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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 16-00102 JD
	)	
Plaintiff,	)	ORDER DETAINING DEFENDANT DUMAKA
	)	HAMMOND PENDING TRIAL
v.	)	
	)	
DUMAKA HAMMOND,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

The United States has charged defendant Dumaka Hammond in a one-count indictment with Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B). The United States moved for defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant requested a full bail study by Pretrial Services, which submitted a report to the Court and its recommendation that no combination of conditions in 18 U.S.C. § 3142(c) would reasonably assure the safety of any other person and the community. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985).

1 The Court heard arguments from the United States and the defendant regarding both flight risk  
2 and danger to the community on March 16, 2016, and ordered defendant detained without prejudice to  
3 the defendant presenting additional information regarding additional sureties and alternative residential  
4 possibilities for the defendant at a further detention hearing on March 25, 2016. At the further hearing  
5 on March 25, 2016, the defendant was not able to offer any additional surety or residential  
6 recommendation and requested that the Court re-consider its order of detention on March 16, 2016. On  
7 March 25, 2016, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial  
8 Services reports and recommendations, the indictment filed in this case, and the factors set forth in 18  
9 U.S.C. §3142(g), the Court ordered defendant detained, as no condition or combination of conditions in  
10 18 U.S.C. § 3142(c) will reasonably assure the safety of any other person and the community. The  
11 Court determined that the United States had met its burden of proving that defendant was a sufficient  
12 safety risk to the community to warrant detention pending trial. The Court also noted that defendant  
13 may move the Court for defendant's release at a later date should the defendant contend that changed  
14 circumstances warrant a further hearing on the matter of defendant's pre-trial detention.

15 In finding that the United States had established that no set of conditions could reasonably assure  
16 the safety of the community, the Court noted defendant's two prior convictions in 2010 for violating  
17 California Penal Code § 311.11, and the close proximity of those crimes, as reflecting defendant's  
18 pattern of offending behavior despite a prior conviction. The Court also expressed concern with the  
19 similar nature of the crime alleged in this case and the safety risk of defendant sharing a residence with a  
20 minor.

### 21 22 **ORDER**

23 For the reasons stated on the record during the detention hearings and further stated in this Order,  
24 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C. § 3142(c) will  
25 reasonably assure the safety of any other person and the community.

26 Defendant is committed to the custody of the Attorney General or a designated representative for  
27 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
28

1 sentences or held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2). Defendant must be afforded a  
2 reasonable opportunity to consult privately with counsel. *See* 18 U.S.C. § 3142(i)(3). On order of a  
3 court of the United States or on request of an attorney for the government, the person in charge of the  
4 corrections facility must deliver defendant to the United States Marshal for a court appearance. *See* 18  
5 U.S.C. § 3142(i)(4).

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7 IT IS SO ORDERED.

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10 DATED: March 25, 2016



11 HON. DONNA M. RYU  
12 United States Magistrate Judge  
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